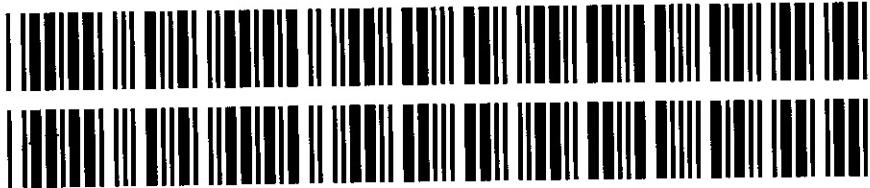
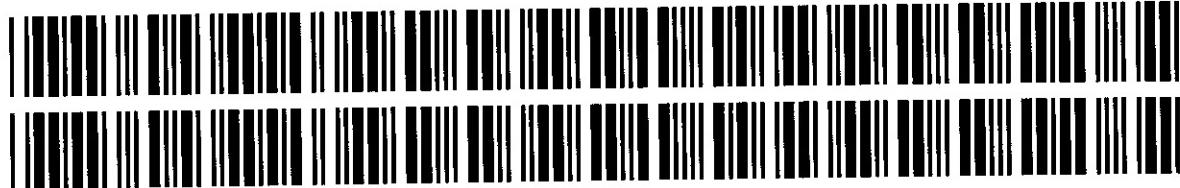


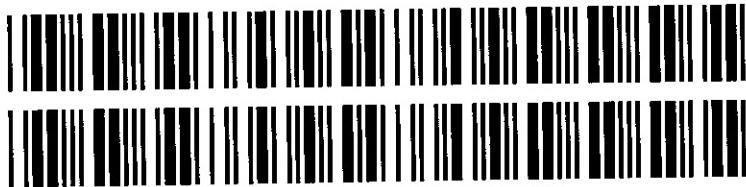
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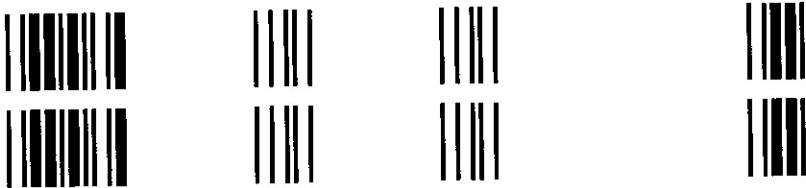
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07/14/2000



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BELAUSTEGUI,  
SHARP & LOW

BY \_\_\_\_\_  
DRAFTED  
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7 Philadelphia, Pennsylvania 19103

8 Attorneys for Defendants  
FLEET CREDIT CARD SERVICES, L.P.

9  
10 UNITED STATES DISTRICT COURT  
11 DISTRICT OF NEVADA

\* \* \*

12 JERROD F. LOGUE,

CASE NO. CV-S-00-0647-JBR-LRL

13 Plaintiff,

14 vs.

15 FLEET CREDIT CARD SERVICES, L.P., a  
foreign entity,

FLEET CREDIT CARD SERVICES,  
L.P.'S ANSWER TO PLAINTIFF'S  
COMPLAINT

16 Defendant.

17  
18 Defendant, FLEET CREDIT CARD SERVICES, L.P. ("Fleet"), for its answer to the  
19 Complaint, admits, denies and alleges as follows:

20 1. The averments contained in Paragraph 1 of plaintiff's Complaint set forth a legal  
21 conclusion and, therefore, Fleet denies the averments as stated.

22 PRELIMINARY STATEMENT

23 2. Fleet admits that plaintiff's Complaint purports to set forth the claims asserted in  
24 Paragraph 2 of his Complaint but denies that plaintiff is entitled to the relief requested from  
25 Fleet.

26 ///

27 ///

28 ///

1       3. The averments contained in Paragraph 3 of plaintiff's Complaint set forth a legal  
2 conclusion and, therefore, Fleet denies the averments as stated. To the extent Paragraph 3 sets  
3 forth factual averments, Fleet lacks knowledge or information sufficient to form a belief as to the  
4 truth of those averments and, therefore, denies the averments.

5       4. The averments contained in Paragraph 4 of plaintiff's Complaint set forth a legal  
6 conclusion and, therefore, Fleet denies the averments as stated. To the extent Paragraph 4 sets  
7 forth factual averments, Fleet admits that it is a limited partnership organized under the laws of  
8 the State of Rhode Island.

## **CAUSE OF ACTION**

### **Statement of Facts**

10       5.     The credit report referenced in Paragraph 5 of plaintiff's Complaint is a written  
11 document which speaks for itself and, therefore, Fleet denies the averments as stated. To the  
12 extent Paragraph 5 sets forth factual averments, Fleet lacks knowledge or information sufficient  
13 to form a belief as to the truth of those averments and, therefore, denies the averments.

14       6.     Fleet lacks knowledge or information sufficient to form a belief as to the truth of  
15 the averments contained in Paragraph 6 of plaintiff's Complaint and, therefore, denies the  
16 averments.

17       7. The agreements referenced in Paragraph 7 of plaintiff's Complaint are written  
18 documents which speak for themselves and, therefore, Fleet denies the averments as stated.  
19 Moreover, the averments contained in Paragraph 7 of plaintiff's Complaint set forth a legal  
20 conclusion and, therefore, Fleet denies the averments as stated. To the extent Paragraph 7 sets  
21 forth factual averments, Fleet denies the averments.

22        8.      The averments contained in Paragraphs 8 and 9 of plaintiff's Complaint set forth a  
23 legal conclusion and, therefore, Fleet denies the averments as stated.

24       9. The averments contained in Paragraph 10 of plaintiff's Complaint set forth a legal  
25 conclusion and, therefore, Fleet denies the averments as stated. To the extent Paragraph 10 sets  
26 forth factual averments, Fleet lacks knowledge or information sufficient to form a belief as to the  
27 truth of those averments and, therefore, denies the averments.

10. The averments contained in Paragraphs 11, 12, 13, 14 and 15 of plaintiff's Complaint set forth a legal conclusion and, therefore, Fleet denies the averments as stated. To the extent Paragraphs 11, 12, 13, 14 and 15 set forth factual averments, Fleet denies the averments.

## **Statement of Claim**

11. The averments contained in Paragraph 16 of plaintiff's Complaint set forth a legal conclusion and, therefore, Fleet denies the averments as stated. To the extent Paragraph 16 sets forth factual averments, Fleet denies the averments.

## **AFFIRMATIVE DEFENSES**

FIRST DEFENSE

Plaintiff did not suffer any damages as a result of the conduct of Fleet.

## **SECOND DEFENSE**

If plaintiff suffered damages, none being admitted, plaintiff failed to mitigate his damages.

### **THIRD DEFENSE**

Plaintiff fails to state a cause of action upon which relief can be granted.

## **FOURTH DEFENSE**

Fleet did not commit any wrongful, illegal or inappropriate acts.

## FIFTH DEFENSE

Plaintiff's claims are barred by the doctrine of unclean hands.

## SIXTH DEFENSE

Plaintiff's claims are barred by the doctrines of accord and satisfaction, set-off, and recoupment.

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1 WHEREFORE, defendant prays for judgment as follows:

- 2       1. That the plaintiff take nothing by way of his Complaint and that the same be  
3 dismissed with prejudice;  
4       2. That defendant recover its attorneys' fees and costs of suit incurred herein; and  
5       3. For such other and further relief as the Court deems proper.

6 DATED this 12<sup>th</sup> day of July, 2000.

7 ROBISON, BELAUSTEGUI, SHARP & LOW  
8 a Professional Corporation  
9 71 Washington Street  
10 Reno, Nevada 89503

11 By: Keegan C. Low

12 KEEGAN C. LOW

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14 John K. Semler, Jr., Esq.  
15 BALLARD SPAHR ANDREWS & INGERSOLL  
16 1735 Market Street, 51<sup>st</sup> Floor  
17 Philadelphia, Pennsylvania 19103

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29 Attorneys for Defendant  
30 FLEET CREDIT CARD SERVICES, L.P.

**CERTIFICATE OF SERVICE BY MAIL**

Pursuant to FRCP 5(b), I certify that I am an employee of ROBISON, BELAUSTEGUI, SHARP & LOW, and that on this date I deposited for mailing at Reno, Nevada, a true copy of the **FLEET CREDIT CARD SERVICES, L.P.'S ANSWER TO PLAINTIFF'S COMPLAINT** addressed to:

**COMPLAINT** addressed to:

Mitchell D. Gliner, Esq.  
Temple Plaza  
3017 West Charleston Boulevard, Suite 95  
Las Vegas, Nevada 89102

DATED this 13<sup>th</sup> day of July, 2000.

Eileen Buchanan-Wright  
EILEEN BUCHANAN-WRIGHT